



United Against Hate Speech on the Web: Where do we stand? - Speech by Commissioner Jourová at Conference with German Justice Minister Maas

Berlin, 26 September 2016

Thank you, Minister Maas, for your welcoming words.

Ladies and Gentlemen,

Let me begin by expressing my appreciation for Minister Maas and the leadership role Germany has taken in tackling hatred online.

The task force you set up in 2015, Minister Maas, is a precursor as well as an example.

We have a problem. In recent years, we have seen messages of extremism and intolerance spread around the globe like wild fire.

In today's digital world without borders, we need to stand united against this growing phenomenon. That's why the Commission this May agreed with major IT companies on a code of conduct to counter illegal hate speech online.

Our commitment is to deliver change so that people do not need to live in fear and to ensure that the internet remains a place of free and democratic expression, where European values and laws are respected.

The spread of illegal hate speech online not only distresses the people it targets, it also affects those who speak up for freedom, tolerance and non-discrimination in our society.

If left unattended, the fear of intimidation can keep opinion makers, journalists and citizens away from social media platforms.

This in reality means a shrinking digital space for freedom of expression.

We all know that hate speech often leads to hate crime. Let us remember the fate of MP Jo Cox who was brutally murdered earlier this year.

In the aftermath of Brexit and the heated campaign against foreigners living in the UK, but also racist behaviour elsewhere, civil society and authorities observed a spike in hate crime of around 57%.

"Toxic narratives" about migrants and religious minorities fuel not only fears and prejudices; they also fuel hatred against those who are perceived as foreigners.

Free speech includes the right "to offend, to shock or to disturb the State or any part of the population". It does not include the right to incite violence and hatred.

It does not include the right to attack someone on the street because they are Polish, German or any other nationality... I consider this an extremely serious threat that I also plan to raise with Justice Ministers at the upcoming Justice Ministers' Council in October.

Responding to growing verbal and physical violence in Europe is a huge challenge. It calls for a cross-cutting approach bringing together education, citizenship, integration, social policies and law enforcement.

My top priority is to ensure that the Framework Decision on Combatting Racism and Xenophobia is correctly translated into the national criminal codes and enforced, so that perpetrators of online hate speech are duly punished.

Speech inciting violence or hatred is illegal. It is a crime.

We all recognise and appreciate the power and the importance of the internet. But the Internet cannot be outside the rule of law.

This is why I decided last year to work together with IT companies and NGOs as important allies in the fight against hate speech. And I was glad to see the internet companies taking a responsible role.

The code of conduct we agreed in May is an innovative approach to address the issue.

For IT companies, it means that notifications for removal of illegal hate speech have to be assessed and relevant action has to be taken, in the majority of cases, in less than 24 hours. This has to be

checked not only against the companies' terms of service but also against the law.

In many cases of online hate speech, notably those inciting violence, the course of action is obvious. And to tackle those rapidly will already make a huge difference.

In other cases, however, it may be more difficult to decide whether a speech is illegal or not.

There are already many areas where private companies, including IT companies, have to make difficult legal compliance decisions, such as tax, accountancy or workers' rights cases, and where they have to ensure that they have the necessary legal advice resources. Ensuring compliance with hate speech law is no different.

In addition to managing online content, the code of conduct also addresses other important aspects.

It seeks to enhance cooperation between IT companies, civil society and Member States.

It aims at making the reporting online hate speech more effective.

And it seeks to step up cooperation with civil society on counter-narratives – giving due space to the messages that oppose hate speech and respect our values.

Signing the code of conduct was only the first step forward. We now have to implement it in an effective way.

I am encouraged by the positive developments regarding reporting and by a closer collaboration between IT companies and civil society. This close cooperation will be key to make the code of conduct a success story.

We are currently working with IT companies and civil society to develop a monitoring and reporting tool to assess how well the Code is applied.

My aim is to have a continuous impact assessment and to collect concrete data.

The experience of your Task Force on this, Minister Maas, would be most valuable to us in that regard.

At EU level, we will have a first opportunity to report on the progress achieved at the High Level Working Group on Combating Racism, Xenophobia on 7 December. I will then report back to Justice Ministers at the December Council.

After the preliminary assessment in December and observation of trends in following reporting rounds, we will be able to see if the code of conduct really works.

If it does not work, I will not hesitate to go back to the College of Commissioners and see with them whether the self-regulatory path to address this problem is the best one.

At Member State level, I invite Ministers to consider whether the full potential of national criminal and administrative law provisions, including those transposing the Framework Decision on Combatting Racism and Xenophobia has been fully explored.

There is for sure a lot of work to be done.

I count on your continued support so that together we put an end to hate crimes caused by illegal hate speech.

Thank you.

SPEECH/16/3188

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